

Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BBC GROUP NV LLC, a Nevada Limited
Liability Company,

Plaintiff /
Counterclaim Defendant,

vs.

ISLAND LIFE RESTAURANT GROUP
LLC, a Washington Limited Liability
Company; ALEX PRINDLE, a Washington
Resident BRIAN O'CONNOR, a Washington
Resident,

Defendant /
Counterclaim Plaintiff.

No. 2:18-cv-01011-RSM

STIPULATION AND ORDER
REGARDING DAMAGES AND
DISCOVERY

I. STIPULATION

Consistent with Fed.R.Civ.P. 16 and LCR 16, counterclaim defendant BBC Group NV LLC ("BBC") and counterclaim plaintiffs Island Life Restaurant Group, LLC, Alex Prindle, and Brian O'Connor (collectively "Island Life"), through counsel, have met and conferred, and have arrived at the following stipulation, which is intended to simplify the issues, amend the pleadings, and to avoid unnecessary proof of facts at the trial.

1. While Island Life maintains that it has been financially damaged, it wishes to streamline this case, both in the discovery and trial stages, by striking only its claims for compensatory monetary damage. Compensatory damage is defined as claims for lost profits, or

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BBC group 18-1011 stip re damages

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1 other such damages that would rely on Island Life's financial records for proof, and does not
2 include such things as statutory damages, punitive damages, disgorgement of BBC's profits
3 under 15 U.S.C. § 1117(a), exemplary damages under RCW 19.86.090, or other such damages
4 that bear no relation to Island Life's financial records.

5 2. In exchange for Island Life's concession above, and understanding that a
6 number of BBC's discovery requests are mooted by this Court's Summary Judgment Order,
7 (Dkt 65), BBC hereby agrees to strike its currently pending Motion to Compel. (Dkt 55-56).
8 BBC reserves the right to renew its motion should this Court's Summary Judgment Order be
9 reversed on appeal.

10 3. By entering into this stipulation to strike their claim for compensatory monetary
11 damages, Island Life gives up only the one type of relief designated above, and expressly does
12 not give up the right to continue to seek exclusive use the challenged mark, reimbursement of
13 reasonable attorney fees and costs, or any other type of relief, whether statutory or common
14 law, injunctive or otherwise. BBC will continue to oppose the relief sought by Counterclaim
15 Plaintiffs.

16 JOINTLY SUBMITTED this 11th day of November, 2019.

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II. ORDER

THIS MATTER, having come before the Court on the Parties' Stipulation Regarding Damages and Discovery, the Court having reviewed the records and files herein, and the Court being otherwise advised in the premises, now, therefore, it is HEREBY ORDERED that:

1. The Parties Stipulation on Damages and Discovery is GRANTED.
2. The Court strikes Island Life's claims for compensatory damages (i.e., lost profits), while otherwise preserving Island Life's damage claims.
3. The Court hereby strikes BBC's pending motion to compel. (Dkt #56).

ENTERED this 18 day of December 2019.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE